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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,331	07/02/2001	Job Cornelis Oostveen	NL000409	2099
24737	7590	08/26/2003		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER	
			ORTIZ CRIADO, JORGE L	
		ART UNIT	PAPER NUMBER	
		2697		
		DATE MAILED: 08/26/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/897,331	OOSTVEEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Jorge L Ortiz-Criado	2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_ .

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) \_\_\_\_ is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_ is/are allowed.

6) Claim(s) 1-7 is/are rejected.

7) Claim(s) \_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 02 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because, in Fig. 6, descriptive labels should be provided. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because should be generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. Correction is required.

See MPEP § 608.01(b).

4. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2697

5. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitations "said record carrier" in line 2, "said first variations" in line 3 and "said second variations" in line 3, line 8 and line 10. There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Maeda et al. U.S. Patent No. 6,069,870.

Regarding claim 4, Maeda et al. discloses a record carrier having information marks along a track thereof (See col. 6, lines 56-62; Figs. 2,27) and exhibiting:

first variations caused by existence and nonexistence of the information marks along the track (See col. 6, lines 56-62; Figs. 2,27),

said first variations representing an information signal recorded on said record carrier (See col. 6, lines 56-62; Figs. 2,27), and

Art Unit: 2697

second variations caused by variations associated with the information marks (See col. 6, lines 56-62; Fig. 2,27);

the phase of the second variations being coupled to the phase of the first variations (See col. 6, lines 56-62; Fig. 27; col. 7, lines 10-13, lines 33-47; Figs. 3,27).

Regarding claim 5, Maeda et al. discloses characterized in that the second variations have either a first or a second phase with respect to the first variations (See col. 7, lines 10-13, lines 33-47; Figs. 3,27).

Regarding claim 6, Maeda et al. discloses characterized in that first and the second phase differ with 180 degrees (See col. 7, lines 10-13, lines 33-47; Figs. 3,27).

7. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Timmermans et al. U.S. Patent No. 5,930,210.

Timmermans et al. discloses a playback apparatus (See col. 1, lines 21-22; Figs. 4,5) including:

a transducer unit for scanning a record carrier (See col. 5, lines 26-33; Fig. 5),  
said transducer unit being adapted to detect first variations and second variations (See col. 5, lines 26-41; Fig. 5),

a first recovery unit coupled to the transducer unit for recovering a clock signal from the first variations (See col. 5, lines 63 to col. 6, line 2; Fig. 5, ref# 63),

Art Unit: 2697

a second recovery unit coupled to the transducer unit for recovering an information signal from the first variations (See col. 5, lines 60-62; Fig. 5 ref# 61),

a detection unit for detecting whether second variations exhibit a predetermined variation pattern on the basis of at least one signal, which is at least indicative of second variations, originating from said transducer unit (See col. 1, line 58- col. 2, line 2; col. 6, lines 27-31; Fig. 5, ref# 62)

the detection unit using the said clock signal for detecting and an enabling unit for enabling said second recovery unit to recover the information signal when said detection unit detects said predetermined variation pattern (See col. 6, line 63- col. 7, line 12; col. 7, 51-61; Figs. 5- ref# (62)(61)(63), 8).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1-3 ~~and 7~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Timmermans et al. U.S. Patent No. 5,930,210 in view of Maeda et al. U.S. Paten No. 6,069,870.

Regarding claim 1, Timmermans et al. discloses an information system (See col. 1, line 13; Fig. 4,5), comprising:

Art Unit: 2697

a record carrier having information marks along a track thereof (See col. 3, lines 47-49; Fig. 1) and exhibiting:

first variations caused by existence and nonexistence of the information marks along the track (See col. 4, lines 12-27; Fig. 1),

said first variations representing an information signal recorded on said record carrier (See col. 3, lines 47-49; Fig. 1) and

second variations caused by variations associated with the information marks (See col. 3, line 57 to col. 4, line 12);

a playback apparatus (See col. 1, lines 21-22; Figs. 4,5) including:

a transducer unit for scanning said record carrier (See col. 5, lines 26-33; Fig. 5),

said transducer unit being adapted to detect said first variations and said second variations (See col. 5, lines 26-41; Fig. 5),

a first recovery unit coupled to the transducer unit for recovering a clock signal from the first variations (See col. 5, lines 63 to col. 6, line 2; Fig. 5, ref# 63),

a second recovery unit coupled to the transducer unit for recovering an information signal from the first variations (See col. 5, lines 60-62; Fig. 5 ref# 61),

a detection unit for detecting whether said second variations exhibit a predetermined variation pattern on the basis of at least one signal, which is at least indicative of said second variations, originating from said transducer unit (See col. 1, line 58- col. 2, line 2; col. 6, lines 27-31; Fig. 5, ref# 62)

the detection unit using the said clock signal for detecting and an enabling unit for enabling said second recovery unit to recover the information signal when said detection unit

Art Unit: 2697

detects said predetermined variation pattern (See col. 6, line 63- col. 7, line12; col. 7, 51-61; Figs. 5- ref# (62)(61)(63), 8).

Timmermans et al. further teaches having the second variations detected by the same scanning means as used for detection of the first variations, wherein the second variations are associated with the position of the first variations (See col. 4, lines 21-36), but Timmermans et al. fails to disclose wherein the phase of the second variations being coupled to the phase of the first variations.

However this feature is well known in the art as evidenced by Maeda et al., which discloses a record carrier exhibiting information marks along a track (See col. 6, lines 56-62; Figs. 2,27),

first variations caused by existence and nonexistence of the information marks along the track said first variations representing an information signal recorded on the record carrier (See col. 6, lines 56-62; Figs. 2,27) and

a second variations caused by variations associated with the information marks (See col. 6, lines 56-62; Fig. 2,27)

wherein the phase of the second variations being coupled to the phase of the first variations (See col. 6, lines 56-62; Fig. 27; col. 7, lines 10-13, lines 33-47; Figs. 3,27).

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to coupled the phase of the second variation to the phase of the first variation in order to avoiding tracking fails that would cause reproduction of the non-desired information as suggested by Maeda et al.

Regarding claim 2, Timmermans et al. further discloses wherein said second variations exhibit a modulation pattern representing a code (See col. 2, lines 9-14; col. 6, line 63 to col. 7, line 12);

and said detection unit includes a demodulation unit for recovering said code on the basis of said at least one signal, and an activation unit for activating said enabling unit when said code is recovered (See col. 6, line 63 to col. 7, line 12; Figs. 5,8).

Regarding claim 3, Timmermans et al. further discloses wherein the information signal recorded on said record carrier is of a type which is recoverable by means of a predetermined type of data processing (See col. 2, lines 18-36),

said code indicating the predetermined type of data processing to be used for recovering the information signal (See col. 2, lines 18-36), and

said playback apparatus further includes a unit for setting said recovery unit in a mode in which the predetermined type of data processing is performed when the information signal is recovered (See col. 2, lines 18-36).

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Patent No. 5,737,286 to Timmermans et al., which discloses an information system including a record carrier and a playback apparatus.
- b. U.S. Patent No. 5,999,504 to Aoki, which discloses an optical disc including variations associated with the information and phase modulated with the information.

Art Unit: 2697

- c. U.S. Patent No. 6,295,270 to Van Den Enden et al., which discloses an optical disk with variations wherein the phases represent, predetermined positions.
- d. U.S. Patent No. 6,345,018 to Maegawa et al., which discloses an apparatus for detecting variations representatives of the information position by phase comparison.
- e. U.S. Patent No. 6,549,495 to Spruit et al., which discloses a record carrier having first variations and second variations.

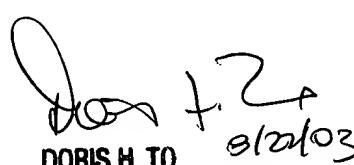
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

joc

  
DORIS H. TO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800